



March 13, 2019

**Corrected Copy**

**VIA ECF, FEDEX and EMAIL**

Honorable Robert D. Drain  
United States Bankruptcy Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601-4140  
[judge\\_drain@nysb.uscourts.gov](mailto:judge_drain@nysb.uscourts.gov)

Re: *Bruce v. Citigroup Inc., et al., (In re Bruce)*  
14-cv-07525 (VB); 13-bk-22088 (RDD); 14-ap-08224 (RDD)

Dear Judge Drain:

As you recall, you entered an Order in the above-entitled adversary proceeding on July 7, 2015, staying this adversary proceeding pending an appeal by Defendants of your Order [Dkt. No. 92] of November 12, 2014 denying Defendants' Motion to Compel Arbitration and Stay the Action [Dkt. No. 38].

On October 14, 2015, Judge Briccetti reversed your decision and ordered that the matter be sent to arbitration, 2015 WL 6163083 (S.D.N.Y. Oct. 14, 2015). On March 9, 2019, Judge Briccetti vacated that decision based primarily on *Credit One v. Anderson*, 884 F.3d 382 (2d Cir. 2018).

We believe that the stay pending appeal is no longer in effect. Indeed, Defendants argued in opposition to the motion for reconsideration that Plaintiff was in violation of Judge Briccetti's earlier order, implicitly arguing that Defendants had prevailed on their appeal and such an appeal was at its end. Case 7:15-cv-01934 (VB), Dkt. No. 42 at 3, 23-25.

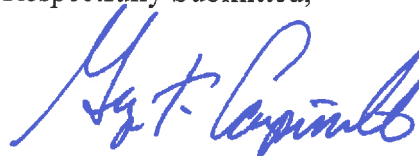
In light of the long delay occasioned by the stay, the fact that we believe there is no colorable basis for further review of the arbitration issue and the fact that the stay has expired, we respectfully request a conference with the Court to address further proceedings in this matter, and, if the Court believes the stay is still in effect, consider whether this Court should vacate that stay and allow discovery to proceed in this action.

BOIES SCHILLER FLEXNER LLP

**BSF**

Honorable Robert D. Drain  
March 13, 2019  
Page 2

Respectfully Submitted,



George F. Carpinello

GFC/slb

cc: Benjamin Nagin – via e-mail  
Charles Juntikka – via e-mail